THE HYDERABAD LEPROSY ACT, 1954.

No. IV of 1954.

CONTENTS.

Preamble.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Liprosy institutions by Government.
4. Appointment of Inspectors of leprosy and Superintendents of institutions.
5. Constitution of Board.
6. Arrest of pauper leprosy patients.
7. Person arrested how to be dealt with.
8. Procedure with regard to pauper leprosy patients.
9. Power to prohibit leprosy patients from following certain trades and doing certain acts.
10. Conviction after previous conviction.
11. Penalty on person employing leprosy patients in prohibited trade.
12. Rearrest of escaped leprosy patients.
13. Inspection by Board.
14. Order of discharge by Board.
15. Appeals.
16. Power of Government to make rules.
17. Power to local authorities to expend funds and appropriate property to institutions.
18. Protection to persons acting bonafide under the Act.

*THE HYDERABAD LEPROSY ACT, 1954.

No. IV OF .954.

An Act to provide for the segregation and medical treatment of pauper infectious leprosy patients and the control of all infectious leprosy patients.

WHEREAS it is expedient to provide for the segregation and medical treatment of pauper infectious leprosy patients and the control of all infectious leprosy patients ; Preamble.

IT is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Leprosy Act, 1953. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad State.

(3) The Government may by notification in the Jarida bring this Act or any part thereof in force in the whole or any portion of the State of Hyderabad.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Board" means a Board constituted under section 5 ;

(2) "leprosy institution" means a leprosy institution appointed under section 3;

(3) "leprosy patient" means any person suffering from the infectious variety of leprosy; and

(4) " pauper leprosy patient " means a leprosy patient—

*Published in Gazette Extraordinary No. (57) dated 6th March, 1954.

(*a*) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(*b*) who is at large without any ostensible means of subsistence.

Appointment of leprosy institutions by Government.

3. The Government may by notification in the Jarida, appoint any place to be a leprosy institution, if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of leprosy patients therein, and may, by a like notification, specify the local areas from which leprosy patients may be sent to such institution.

Appointment of Inspectors of leprosy and Superintendents of institutions.

4. Subject to any rules which may be made under section 16, the Government may appoint any Medical Officer of the Government or other qualified medical man to be an Inspector of leprosy and any person to be a Superintendent of a Leprosy Institution with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Constitution of Board.

5. The Government shall constitute for every leprosy institution appointed under section 3 a Board consisting of not less than three members, of whom at least one shall be a Medical Officer of Government and two shall be non-officials.

Arrest of pauper leprosy patients.

6. (1) Within any local area which has been specified under section 3 any police officer or any other person empowered by the Government by order in writing or by rules made in this behalf, may arrest without a warrant any person who appears to him to be a pauper leprosy patient.

(2) Such police officer or other person so empowered shall forthwith take or send the person so arrested to the nearest convenient police station.

Person arrested how to be dealt with.

7. Every person brought to a police station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Leprosy who,—

(*a*) if he finds on examination that such a person is not a leprosy patient within the meaning of section 2, shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest;

(*b*) if he finds on examination that such a person is a leprosy patient within the meaning of section 2, shall give to the police officer, in whose custody the leprosy patient is, a certificate in Form B set forth in the Schedule whereupon the leprosy patient shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Act.

Procedure with regard to pauper leprosy patients.

8. (1) If it appears to any Magistrate of the first class or to any other Magistrate authorised in this behalf by the Government, upon the certificate in Form B set forth in the Schedule, that any person is a lepsory patient, and if it further appears to the Magistrate that the person is a pauper leprosy patient, he may, after recording the evidence on the above-mentioned points, and his order thereon send the pauper leprosy patient in charge of a police officer, together with an order in Form C set forth in the Schedule, to a leprosy institution, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate:

Provided that, if the person denies the allegation of leprosy the Magistrate shall call and examine the Inspector of Leprosy, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leprosy patient and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be pauper leprosy patient shall undertake in writing to the satisfaction of the Magistrate that such pauper leprosy patient shall be properly taken care of and shall be prevented from publicly begging in any area specified under section 3, the Magistrate, instead of sending the leprosy patient to an institution may subject to such conditions as he may specially make the leprosy patient over to the care of such friend or relative, requiring him, if he thinks fit to enter into a bond with one or more surieties, to which the provisions of section 514 of the Code of Criminal Procedure, 1898 shall be applicable.

(2) If the Magistrate finds that such person is not a leprosy patient or that if a leprosy patient, he is not a pauper leprosy patient, he shall forthwith discharge him.

Power to prohibit leprosy patients from following certain trades and doing certain acts.

9. (1) The Government may, by notification in the Jarida, order that no leprosy patient shall, within any area specified under section 3,—

(*a*) personally prepare for sale or sell, any article of food or drink or any drugs or clothing intended for human use; or

(*b*) bathe, wash clothes or take water from any public well or tank; or

(*c*) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or

(*d*) excercise any trade or calling which may by such notification be prohibited to leprosy patients; or

(*e*) commit any other act which may be prohibited by such notification.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with a fine which may extend to fifty rupees:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Leprosy, and shall not proceed with the case unless such Inspector furnishes a certificate in Form B, set forth in the Schedule in respect of such person.

Conviction after previous conviction.

10. (1) Whenever any leprosy patient who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate, may, in addition, to or in lieu of, any punishment to which such leprosy patient may be liable, require him to enter into a bond with one or more sureties, binding him to depart forthwith from the local area specified under section 3, in which he is, and not to enter that or any other local area so specified until an Inspector of Leprosy shall have given him a certificate in Form A, set forth in the Schedule.

(2) If any such leprosy patient fails to furnish security required under sub-section (1), the Magistrate may send

him in charge of a police officer, with an order in Form D, set forth in the Schedule, to a leprosy institution, where such leprosy patient shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be excercised by a Magistrate of the first class.

Penalty on person employing leprosy patients in prohibited trade.

11. Any person who, within any area specified under section 3, knowingly employs a leprosy patient in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty rupees:

Provided that the alleged leprosy patient shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Leprosy and shall not proceed with the case unless such Inspector furnishes a certificate in Form B, set forth in the Schedule in respect of such alleged leprosy patient.

Rearrest of escaped leprosy patients

12. Whoever having been sent to a leprosy institution under an order of a Magistrate in Form C, set forth in the Schedule, escapes from or leaves the institution without the permission in writing of the Superintendent thereof may be arrested (without a warrant by any police officer or by any other person especially empowered by the Government by order in writing in this behalf), and upon arrest shall be forthwith taken back to the leprosy institution.

Inspection by Board.

13. Two or more members of the Board, one of whom shall be the Medical Officer, shall, once at least in every three months, together inspect the leprosy institution for which they are constituted, and see and examine (*a*) every leprosy patient therein admitted since the last inspection, together with the order for his admission, and (*b*) as far as circumstances will permit every other leprosy patient therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the institution and the leprosy patient therein.

Order of discharge by Board.

14. Any two members of the Board, one of whom shall be the Medical Officer, may at any time, by an order in writing in Form E, set forth in the Schedule and signed by them, direct the discharge from the leprosy institution of any leprosy patient detained therein under the provisions of this Act.

Appeals.

15. Any person, other than a pauper leprosy patient, in respect of whom an Inspector of Leprosy has issued a certificate in Form B, set forth in the Schedule, declaring him to be a leprosy patient, or has refused to issue a certificate in Form A, set forth in the Schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

Power of Government to make rules.

16. The Government may, by notification in the Jarida, make rules generally for carrying out the purposes of this Act, and in particular—

(*a*) specifying the police officers and other persons empowered to arrest under section 6;

(*b*) for the guidance of all or any of the officers discharging any duty under this Act; and

(*c*) for the management of, and the maintenance of discipline in, a leprosy intitution.

Power to local authorities to expend funds and appropriate property to institutions.

17. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

(a) establish, or maintain, or establish and maintain or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of a leprosy institution either within or without the local limits of such local authority;

(*b*) with the previous sanction of the Government and subject to such conditions as the Government may prescribe, appropriate any immovable property vested in, or under the control of, such body, as a site for, or for use, as a leprosy institution.

Protection to persons acting *bona fide* under the Act.

18. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Act.

SCHEDULE

A—CERTIFICATE

(Section 7)

I, the undersigned (here enter the name and official designation), hereby certify that I on the.....day of..... at..... .....personally examined (here enter name of person examined) and that the said..... is not a leprosy patient as defined in the Hyderabad Leprosy Act, 1953.

Given under my hand this.....day of.....19 .

(Signature)
Inspector of Leprosy.

B—CERTIFICATE

(Section 7)

I, the undersigned (here enter the name and official designation), hereby that I on the.....day of ..... at.....personally examined (here enter the name of leprosy patient) and that the said.....is a leprosy patient as defined in the Hyderabad Leprosy Act, 1953, and that I, have formed this opinion on the following grounds, namely :—

(Here state the grounds).

Given under my hand this.....day of.....19 .

(Signature)
Inspector of Leprosy.

C—WARRANT OF DETENTION.

(Section 8)

To

The Superintendent of the

Leprosy Institution at.....

Whereas it has been made to appear to me that (name and description) is a pauper leprosy patient as defined in the Hyderabad Leprosy Act, 1953 ;

This is to authorise you, the said Superintendent to receive the said.....into your custody together with this order and him her safely to keep in the said institution until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this..... day of.....19 .

Seal

(Signature)

Magistrate.

D—WARRANT OF DETENTION

To

The Superintendent of the

Leprosy Institution at.....

Whereas (name and description) has this day been convicted by me of an offence punishable under section 9, of the Hyderabad Leprosy Act, 1953, and whereas it has been proved before me that the said (name and description) was previously convicted of an offence punishable under the same section ;

This is to authorise you, the said Superintendent to receive the said.....into your custody together with this order and him/her safely to keep in the said institution until he/she shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this..... day of.....19 .

Seal

(*Signature*)

Magistrate.

E—ORDER OF DISCHARGE BY BOARD

(Section 14)

To

The Superintendent of

Leprosy Institution at.....

Whereas (name and description) was committed to your custody under an order, dated the.....day of..... .....19 , and there have appeared to us sufficient grounds for the opinion that he/she can be released without hazard or inconvenience to the community ;

This is to authorise and require you forthwith to discharge the said (name) from your custody.

Given under our hands this..... of.....19 .

(Signatures).

Members of the Institution Board.